

R381-100-10: RATIOS AND GROUP SIZE

The rules in this section regulate the caregiver-to-child ratio which is the maximum number of children each caregiver may be responsible for. The rules also limit group size meaning the number of children being cared for in one group at the same time. These rules are based on what children need for quality nurturing care.

Rules regarding the caregiver-to-child ratio and group size apply any time there are children in care, including when children are being transported and during offsite activities. The rules also apply during special activities when child care is provided at the center, such as Parents' Night Out.

Rule	Child's Age	Unrelated Child	Provider's Own Child	Caregiver's Own Child	Other Related Child
Does the child count in the caregiver-to-child ratio?	0-3 Years	Yes	Yes	Yes	Yes
	4 years & older	Yes	No ¹	No ¹	Yes
Does the child count in maximum group size?	0-3 Years	Yes	Yes	Yes	Yes
	4 years & older	Yes	Yes	Yes	Yes

¹ The provider's and caregivers' children who are 4 years old and older do not count in the caregiver-to-child ratio as long as the provider or caregiver is working at the facility or performing work-related duties.

Refer to the following guidelines:

- The rules are assessed according to the number of children present in each group and not by the number of enrolled children.
- Multiple groups can be in gyms and outdoor areas at the same time as long as there is adequate square footage per child and caregiver-to-child ratios are maintained. This excludes infant and toddler groups unless they are in a separate area defined by furniture, other partitions, or fences.
- For an individual to count in the caregiver-to-child ratio, they must:
 - Meet personnel requirements as specified in rule,
 - Be on the premises or in the area where the children are being cared for, and
 - Be performing caregiving duties.
- A group with more than one caregiver may be out of ratio for a very brief period of time when:
 - One caregiver must leave the room (but not the premises) in order to meet the immediate needs of the children in their group.
 - Meeting the immediate needs of the children includes tasks such as helping a child who is injured or sick, getting food for the children, giving medication to a child, helping a child in the bathroom, or helping a child change soiled clothing.
 - Tasks that are not considered meeting the immediate needs of children include doing laundry or other housekeeping duties, making personal phone calls, or taking a work break.
 - A staff person needs to use the bathroom and there is no other employee present in the center (cook, director, receptionist, etc.) to assist in giving the caregiver a break.
- The option to leave the children with one caregiver does not apply to leaving children with a 16- or 17-year-old since individuals younger than 18 may never have unsupervised contact with any child in care, even for brief periods of time.

- Preschoolers and school-age children may temporarily, no more than 2 hours, be in groups that exceed maximum group sizes for outdoor play, meal times, nap times, or if there is a special activity such as a puppet show, provided the required caregiver-to-child ratios are maintained.
- When a staff member does not count in the caregiver-to-child ratio and is caring for their own child, the staff member's child does not count in the ratio, capacity, or group size. That parent is the only person responsible for the care of their child.
- An individual can bring an additional child to the infant room to change their diaper without altering the ratio as long as the individual is fully responsible for that child and not helping care for other children in the room.

45 Minute Allowance

For unforeseen circumstances, the caregiver-to-child ratio may be out of compliance for up to 45 minutes. Examples of unforeseen circumstances include:

- A caregiver does not arrive at their scheduled time.
- Children arrive earlier or depart later than their normal time without advance notification from their parent.
- A caregiver needs to leave due to an emergency.
- A caregiver leaves their employment without advance notice or is dismissed for immediate cause.

To remain in compliance with ratios during unforeseen circumstances, refer to the following guidelines:

- The provider must address the situation as soon as it is known that ratios will be out of compliance due to an unforeseen circumstance. The intent of the 45 minutes is to allow enough time for an approved individual to arrive and place the facility back into ratio.
- Children must not be left unsupervised.
- Sign-in and sign-out records must be up-to-date and available for review by CCL.
- If licensing staff arrive when ratios are out of compliance, but the ratio is brought into compliance within the 45 minute allowance, it will not be considered a rule violation. Instead:
 - Two Focus Inspections will be conducted to confirm that it was an unforeseen circumstance.
 - If ratios are out of compliance at the first Focus Inspection, a corrective action will be issued and the second Focus Inspection will not be conducted. Instead, a Followup Inspection will be conducted to verify correction is maintained. (When following up on a ratio violation, all classrooms and areas will be assessed, not just the classroom or areas that were found out of compliance.)
 - If ratios are in compliance at the first and second Focus Inspections, no corrective actions will be issued, but the situation will be documented in the CCL App.
- It is a rule violation if the ratio is not brought into compliance within the 45 minutes.

Emergency Ratio Variance

When unforeseen circumstances occur and the provider cannot meet the required staff-to-child ratio, CCL may grant an emergency variance to the ratio rule for up to ten working days. Examples of long-term, unforeseen circumstances include:

- A staff member leaves their employment without advance notice or is dismissed for immediate cause.

To obtain this variance, the provider must:

- Contact their licensor within 24 hours (or contact other CCL staff if the licensor is unavailable), and
- Inform their licensor of the number of staff who left employment or took an unexpected leave of absence, the staff's names and/or their Covered Individual Numbers.

Refer to the following guidelines:

- This variance is not granted for planned or scheduled leave of absence.
- The required caregiver-to-child ratio for children younger than 2 years old must be maintained. A ratio variance will not be approved for this age group.
- The number of children (2 years old and older) per caregiver may not be more than 1½ times the number stated in rule.
- The provider must maintain compliance with supervision rules. A variance for supervision will not be granted.
- A Focus Inspection will be conducted to verify compliance with ratios after the variance expires.

(1) **As listed in Table 1 for single-age groups of children, the provider shall:**

- (a) **maintain at least the number of caregivers and not exceed the number of children in the caregiver-to-child ratio, and**
- (b) **not exceed the group sizes.**

Table 1 Caregiver-to-Child Ratios and Group Sizes			
Ages of Children	# of Caregivers	# of Children	Group Size (with 2 caregivers)
Birth - 23 months	1	4	8
2 years old	1	7	14
3 years old	1	12	24
4 years old	1	15	30
School-age	1	20	40

Rationale / Explanation

There are many reasons for regulating the caregiver-to-child ratio and group size. These rules ensure that there are enough caregivers to actively supervise children, ensure children's safety, and meet their needs. Direct, warm social interaction between adults and children is more common and more likely with lower child-to-staff ratios. Maintaining a smaller group size allows older children to have needed adult support and guidance while encouraging independent, self-initiated play and other activities. *CFOC 3rd ed. Standards 1.1.1.1. - 1.1.1.2. pp. 3-5.*

It is also important to maintain appropriate caregiver-to-child ratios because caring for too many children increases the possibility of stress for caregivers, and may result in their loss of self-control. *CFOC 3rd ed. Standards 1.1.1.1. - 1.1.1.2. pp. 3-5.*

The American Academy of Pediatrics and the American Public Health Association recommend that there always be one caregiver for every two infants and toddlers who are cared for. It is also recommended that even if all children are older than two years, the maximum number of children being cared for by one caregiver should not exceed six children. *CFOC 3rd ed. Standards 1.1.1.1. - 1.1.1.2. pp. 3-5.*

High Risk Rule Violation

Corrective Action for 1st Instance

Citation and CMP Warning when a group of:

- Infants or toddlers is over ratio or group size by any number of children.
- 2-year-olds is over ratio or group size by 2 or more children.
- 3- or 4-year-olds is over ratio or group size by 4 or more children.
- School-age children is over ratio or group size by 6 or more children.
- Children of any age is over ratio or group size during transportation or offsite activities.

Moderate Risk Rule Violation

Corrective Action for 1st Instance

Citation Warning when a group of:

- 2-year-olds is over ratio or group size by 1 child.
- 3- or 4-year-olds is over ratio or group size by 3 children.
- School-age children is over ratio or group size by 4 to 5 children.

Low Risk Rule Violation

Corrective Action for 1st Instance

Warning when:

- A group of 3- or 4-year-olds is over ratio or group size by 1 to 2 children.
- A group of school-age children is over ratio or group size by 1 to 3 children.
- There are a sufficient number of staff to be in ratio in each age group, but the children in one or more age groups are not grouped to meet the required ratios.

- (2) As listed in Tables 2-13 for mixed-age groups of children, the provider shall:
- (a) maintain at least the number of caregivers and not exceed the number of children in the caregiver-to-child ratio, and
 - (b) not exceed the group sizes.

Table 2 Older Toddlers and Two-Year-Olds		
# Caregivers Required	Age	# Children Present
1	18-23 Mos.	1-3
	2	1-6
Total Children: up to 7 children		
2	18-23 Mos.	1-6
	2	1-13
Total Children: up to 14 children (Group size)		

Table 3 Two-Year-Olds and Three-Year-Olds		
# Caregivers Required	Age	# Children Present
1	2	1-6
	3	1-9
Total Children: up to 10 children		
2	2	1-13
	3	1-19
Total Children: up to 20 children (Group size)		

Table 4 Two-Year-Olds and Four-Year-Olds		
# Caregivers Required	Age	# Children Present
1	2	1-6
	4	1-10
Total Children: up to 11 children		
2	2	1-13
	4	1-21
Total Children: up to 22 children (Group size)		

Table 5 Two-Year-Olds and Five-to-Twelve-Year-Olds		
# Caregivers Required	Age	# Children Present
1	2	1-6
	5-12	1-13
Total Children: up to 14 children		
2	2	1-13
	5-12	1-27
Total Children: up to 28 children (Group size)		

Table 6 Three-Year-Olds and Four-Year-Olds		
# Caregivers Required	Age	# Children Present
1	3	1-11
	4	1-13
Total Children: up to 14 children		
2	3	1-23
	4	1-27
Total Children: up to 28 children (Group size)		

Table 7 Three-Year-Olds and Five-to-Twelve-Year-Olds		
# Caregivers Required	Age	# Children Present
1	3	1-11
	5-12	1-15
Total Children: up to 16 children		
2	3	1-23
	5-12	1-31
Total Children: up to 32 children (Group size)		

Table 8 Four-Year-Olds and Five-to-Twelve-Year-Olds		
# Caregivers Required	Age	# Children Present
1	4	1-14
	5-12	1-17
Total Children: up to 18 children		
2	4	1-29
	5-12	1-35
Total Children: up to 36 children (Group size)		

Table 9 Two-Year-Olds, Three-Year-Olds and Four-Year-Olds		
# Caregivers Required	Age	# Children Present
1	2	1-6
	3	1-9
	4	1-9
Total Children: up to 11 children		
2	2	1-13
	3	1-20
	4	1-20
Total Children: up to 22 children (Group size)		

Table 10 Two-Year-Olds, Three-Year-Olds and Five-to-Twelve-Year-Olds		
# Caregivers Required	Age	# Children Present
1	2	1-6
	3	1-11
	5-12	1-11
Total Children: up to 13		
2	2	1-13
	3	1-24
	5-12	1-24
Total Children: up to 26 (Group size)		

Table 11 Two-Year-Olds, Four-Year-Olds and Five-to-Twelve-Year-Olds		
# Caregivers Required	Age	# Children Present
1	2	1-6
	4	1-12
	5-12	1-12
Total Children: up to 14		
2	2	1-13
	4	1-26
	5-12	1-26
Total Children: up to 28 (Group size)		

Table 12 Three-Year-Olds, Four-Year-Olds and Five-to-Twelve-Year-Olds		
# Caregivers Required	Age	# Children Present
1	3	1-11
	4	1-14
	5-12	1-14
Total Children: up to 16 children		
2	3	1-23
	4	1-30
	5-12	1-30
Total Children: up to 32 children (Group size)		

Table 13 Two-Year-Olds, Three-Year-Olds, Four-Year-Olds and Five-to-Twelve-Year-Olds		
# Caregivers Required	Age	# Children Present
1	2	1-6
	3	1-11
	4	1-11
	5-12	1-11
Total Children: up to 14 children		
2	2	1-13
	3	1-25
	4	1-25
	5-12	1-25
Total Children: up to 28 children (Group size)		

High Risk Rule Violation

Corrective Action for 1st Instance

Citation and CMP Warning when:

- The group has any infants or toddlers and is over ratio or group size by any number of children.
- The youngest child is 2 years old and the group is over ratio by 4 or more children.
- The youngest child is 3 years old or older and the group is over ratio by 5 or more children.

Moderate Risk Rule Violation

Corrective Action for 1st Instance

Citation Warning when:

- The youngest child is 2 years old and the group is over ratio by 3 children.
- The youngest child is 3 years old or older and the group is over ratio by 4 children.

Low Risk Rule Violation

Corrective Action for 1st Instance

Warning when:

- The youngest child is 2 years old and the group is over ratio by 1 to 2 children.
- The youngest child is 3 years old or older and the group is over ratio by 1 to 3 children.

- (3) **Infants and toddlers may be included in mixed-age groups only when 8 or fewer children are present in the group.**

Rationale / Explanation

Infants need quiet, calm environments, away from the stimulation of older children and other groups. Toddlers are relatively new at basic motor skills such as walking, climbing, and running, and have slower reaction times. Both infants and toddlers are smaller than older children. Because of these developmental differences, mixing infants or toddlers with older, larger, and more physically developed children places the infants and toddlers at increased risk for unintentional injuries, such as being bumped, knocked down, stepped on, or otherwise hurt by the older children. *CFOC 3rd ed. Standard 2.1.2.4 p. 59.*

Compliance Assessment

- Refer to R381-10(2) Table 2 when the group is a mix of older toddlers and two-year-olds.
- This rule applies to the provider's and caregivers' own children as well as other children in care.
- Any room or area where infants and/or toddlers are being cared for (even in a group with older children) must meet the requirements for an infant/toddler room.
- Infants and toddlers may be with older children for occasional special visitors and programs but not for regularly scheduled activities.

High Risk Rule Violation

Corrective Action for 1st Instance

Citation and CMP Warning

- (4) **If more than 2 children who are younger than 24 months old are included in a mixed-age group, and the group has more than 4 children, there shall be at least 2 caregivers with the group.**

Rationale / Explanation

In small groups with the appropriate number of caregivers, very young children are able to make connections, form caring relationships, and learn to understand other children. Infants' and toddlers' social and emotional development is more positive in a setting that offers security, protection, and intimacy. High quality care must be in small groups with the appropriate ratios. *Lally, J. R., Torres, Y.L., & Phelps, P.C. (2010). How to care for infants and toddlers in groups: Developmentally appropriate practice. From www.zerotothree.org/resources.*

The size of groups with infants or toddlers present should be limited, so that in the event of an emergency, there will be enough adults present to safely evacuate the children, including infants and toddlers who would need to be carried. *CFOC 3rd ed. Standard 1.1.1.2. pp. 4-6.*

Compliance Assessment

- Refer to R381-10(2) Table 2 if the group is a mix of older toddlers and two-year-olds.

High Risk Rule Violation

Corrective Action for 1st Instance

Citation and CMP Warning

- (5) **During nap time only, the caregiver-to-child ratio may double if:**
- (a) **all children in the group are at least 18 months old,**
 - (b) **all children in the group are in a restful and nonactive state, and**
 - (c) **the caregiver supervising the napping children is able to contact another on-site caregiver without leaving the children unattended.**

Rationale / Explanation

Napping children require less supervision than awake children. However, there must always be an adequate number of caregivers available nearby in the event of an emergency. In addition, children presumed to be sleeping may actually be awake, and children may wake up before the scheduled nap time is over. Napping children should never be left unattended. *CFOC 3rd ed. Standard 1.1.1.2. pp. 4-6. Standard 2.2.0.1. pp. 64-66.*

Compliance Assessment

- This rule applies only to nap times. A rest time planned for quiet activities, such as reading, watching TV or movies, coloring, using play dough, or doing homework, is not considered a nap time and ratios may not be doubled during these activities.
- Doubling of the ratio applies only to the maximum two-hour nap time period.
- Doubling the ratio for infants and toddlers younger than 18 months old is not allowed at any time.
- If center staff have school-age children nap, then ratios in those school-age rooms may be doubled during nap time.
- As children begin to wake up from napping, the nap time ratio is still allowed while less than half of the children are awake and engaged in a quiet activity. However, when half or more of the children are awake and off their mats or cots, the non-nap time ratio must again be maintained.

High Risk Rule Violation

Corrective Action for 1st Instance

Citation and CMP Warning when:

- A group with any older toddlers is over the group size or nap time ratio by any number of children.

Moderate Risk Rule Violation
Corrective Action for 1st Instance

Citation Warning otherwise.

- (6) **There shall be at least 2 caregivers present when there is only one group of children on the premises and that group has more than 8 children, or more than 2 infants or toddlers.**

Rationale / Explanation

The purpose of this rule is to ensure that there are enough caregivers present to always care for and supervise the children including in the event of an emergency. *CFOC 3rd ed. Standard 1.1.1.2. pp. 4-6.*

Compliance Assessment

- If the caregiver-to-child ratio is in compliance with one caregiver and there are not more than 2 infants or toddlers in the group of children, the second caregiver may be any place in the facility and does not need to be with the group of children.
- Any room or area where infants and/or toddlers are being cared for (even in a group with older children) must meet the requirements for an infant/toddler room.

High Risk Rule Violation
Corrective Action for 1st Instance

Citation and CMP Warning

- (7) **The provider's or an employee's child age 4 years or older is not counted in the caregiver-to-child ratio when the parent of the child is working at the facility, but the child shall be counted in the group size.**

Rationale / Explanation

This rule applies when determining compliance to capacity, ratios, and maximum group sizes.

Compliance Guidelines

- A child's parent is considered to be working at the facility if they are "on the clock" and on the premises or have left to perform a work-related duty (for example, a bus run or buying program supplies).
- (8) **Caregivers who are 16 or 17 years old may be included in the caregiver-to-child ratio, but shall not have unsupervised contact with any child in care.**

Rationale / Explanation

The American Academy of Pediatrics and the American Public Health Association recommend that caregivers be at least 18 years of age, and those individuals who are younger than 18 years old should never be left alone with children. *CFOC 3rd ed. Standard 1.3.2.3. p. 13.*

Research in brain development and functioning in teenagers indicates that teenagers' responses to situations are more emotional and impulsive, and show less reasoned judgment than adult responses. For more information about this research, see:

- www.nimh.nih.gov/Publicat/teenbrain.cfm
- www.pbs.org/wgbh/pages/frontline/shows/teenbrain/

Compliance Assessment

- A 16- or 17-year-old caregiver may never have unsupervised contact with a child in care at any time.

- A caregiver or other employee who is at least 18 years old and has passed a CCL background check must always be present in the room or area when a 16- or 17-year-old is caring for children.

Moderate Risk Rule Violation

Corrective Action for 1st Instance

Citation Warning

- (9) **Volunteers may be included in the caregiver-to-child ratio if they:**
- (a) **are at least 16 years old,**
 - (b) **receive at least 2.5 hours of preservice training before counting in the caregiver-to-child ratio, and**
 - (c) **complete at least 1.5 hours of child care training for each month they volunteer 40 hours or more.**

Rationale / Explanation

Preservice training ensures that all those who work with the children in care receive specific and basic training for the work they will be doing and are informed about their new responsibilities. Preservice and ongoing training are especially important for those who may have limited education qualifications or experience working with children. *CFOC 3rd ed. Standard 1.4.2.1. p. 21.*

Compliance Assessment

- The provider's personnel records should verify that the volunteer has completed preservice training and if required, annual training.

High Risk Rule Violation

Corrective Action for 1st Instance

Citation and CMP Warning when a volunteer:

- Counted in the caregiver-to-child ratio and is younger than 16 years old.

Moderate Risk Rule Violation

Corrective Action for 1st Instance

Citation Warning when a volunteer:

- Did not receive 2.5 hours of preservice training.
- Had unsupervised contact with a child in care before receiving or completing preservice training.
- Did not complete the annual child care training hours by the license expiration date.

- (10) **Student interns who are registered in a high school or college child care course may count in the caregiver-to-child ratio when requirements in R381-100-7(14)(a)-(c) are met.**

Compliance Assessment

- When a student intern counts in the caregiver-to-child ratio, they:
 - May not have unsupervised contact with any child in care, and
 - Must wear a guest nametag.

Moderate Risk Rule Violation

Corrective Action for 1st Instance

Citation Warning

(11) Guests shall not count in caregiver-to-child ratios.

Rationale / Explanation

The relationship between adults and children is of utmost importance and should be supported by caregivers who meet all personnel requirements. Guests are not required to be background screened or receive training and therefore may not be responsible for any child in care.

CFOC 3rd ed. Guiding Principle 4. p. xix.

Risk and Corrective Action for 1st Instance

Refer to 100-7(9) and/or 100-8(1) for noncompliance with this rule.

(12) A center that has been constructed, licensed, and continuously operated since 1 January 2004 is exempt from maximum group size requirements if:

- (a) the caregiver-to-child ratio is maintained, and**
- (b) the required square footage for each group of children is maintained.**